IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

MFA.No. 64 of 2004()

(ORDER IN APPEAL NO.747/90 DT.21.10.03 OF THE APPELLATE TRIBUNAL FOR FOREIGN EXCHANGE, NEW DELHI.)

APPELLANT: RESPONDENT:

THE ADDL.DIRECTOR OF ENFORCEMENT,
SOUTHERN ZONE, `SHASTRI BHAVAN' III FLOOR
III BLOCK, 26 HADDOWS ROAD, CHENNAI-600 006.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR

RESPONDENT: APPELLANT

SHRI GEORGE THAZHATHETHIL,
THAZHATHETHIL HOUSE, MYLAPRA POST,
PATHANAMTHITTA DISTRICT.

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NOS.64 & 147 OF 2004 (E)

Dated this the 23rd day of July, 2007

J U D G M E N T

KOSHY,J.

In these two cases, respondents were found guilty for the offences punishable under Section 9 (1) (a) of the Foreign Exchange Regulation Act, 1973. The adjudicating authority has imposed penalty. The allegation was that violating Foreign Exchange Regulation Act, some amounts were given to the third parties Non-resident Indians. So apart from the confiscation of the amount, the penalty was imposed by the adjudicating authority. The appellate authority reduced the penalty and held that no offence was committed as to confiscate the amount. The appeals are filed only with regard to the reduction of the penalty amount. Appellate authority has power and jurisdiction to reduce penalty amount considering the facts of each case. The circumstances pointed out in the appellate order show that authority has exercised

judicial discretion and no grounds are made out to interfere in the appellate order and hence both appeals are dismissed.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

2nd July, 2007